

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
AUGUST 18, 2003**

The Tippecanoe County Commissioners met on Monday, August 18, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

- Commissioner Shedd moved to approve the minutes of the July 30, 2003 Special Meeting, and the August 4, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

**APPROVAL OF ACCOUNTS PAYABLE VOUCHERS**

Commissioners' Assistant Weston recommended approval of the Accounts Payable Vouchers with the exception of #10247 to Jane Hampton in the amount of \$149.25. When clarification is received, she recommended payment on Friday, August 22, 2003 with approval of the Auditor.

- Commissioner Knochel moved to approve the Accounts Payable Vouchers as submitted for the periods ending August 8, 2003, August 15, 2003, and August 18, 2003 with the exception of #10247 to Jane Hampton in the amount of \$149.25, seconded by Commissioner Shedd; motion carried.

**HIGHWAY: Executive Director Mark Albers**

**WARRANTY DEED: CR 650 N Project**

Mr. Albers submitted for acceptance the following Warranty Deed for the CR 650 N Project.

Key #124-03400-0223:

Key #124-03400-0134: Parcel 4; A part of the W ½ of the NW ¼ of Sec 21, and part of the SE ¼ of the NE ¼ of Sec 20, Twp 24 N, R 4 W, Tippecanoe Twp., from Robert W. & Mary M. Boyd.

- Commissioner Shedd moved to accept the Warranty Deed for the CR 650 N Project, seconded by Commissioner Knochel; motion carried.

**PERFORMANCE BOND: Interstate Road Management Corp.**

- Commissioner Shedd moved to approve Performance Bond #B1 2682512 in the amount of \$69,970 for Interstate Road Management Corp. for the 2003 Pavement Marking Program, seconded by Commissioner Knochel; motion carried.

**UTILITY MAINTENANCE BOND: Indiana Fiberworks LLC**

- Commissioner Shedd moved to approve 3 year Construction Maintenance Bond #5004653 for Indiana Fiberworks LLC in the amount of \$5,000 for work in County right-of-ways, seconded by Commissioner Knochel; motion carried.

**CERTIFICATES OF INSURANCE**

- ♦ Celina Group for Foley Foundations, Inc.

- ♦ Celina Group for Grogan Construction Co., Terrance Grogan DBA
- ♦ Central Insurance Company, Northland Insurance Company for All-Sets, Inc
- ♦ State Farm Fire and Casualty Company for Ince Development Co Inc
- ♦ ACE American Insurance Company for James H. Drew Corporation
- ♦ Cincinnati Insurance Co, Cincinnati Casualty Company for Superior Structures Inc
- ♦ Indiana Insurance Company for Karoo Construction, Inc., Daryl & Brent Hofman
- ♦ St Paul Fire and Marine Ins Co, Eurich American Ins Company, National Union Fire Ins Co Pa for Milestone Contractors, L.P.
- ♦ Westfield Companies for Michael Rinehart DBA Rinehart Excavating
- ♦ St Paul Fire and Marine Ins Co, Eurich American Ins Company, National Union Fire Ins Co Pa for Milestone Contractors, L.P.
- ♦ St Paul Fire and Marine Ins Co, Eurich American Ins Company, National Union Fire Ins Co Pa for Milestone Contractors, L.P.
- ♦ St Paul Fire and Marine Ins Co, Eurich American Ins Company, National Union Fire Ins Co Pa for Milestone Contractors, L.P.
- ♦ Allied Group Insurance for Fast Flow Sewer & Drain Cleaning

**UPDATE: CR 430 S Reconstruction**

Mr. Albers reported the reconstruction of CR 430 S is experiencing delays due to problems with existing utility lines. In particular, a 14" water line has to be relocated from the County right-of-way.

**UPDATE: McCutcheon High School Parking Restriction**

Mr. Albers reported signs restricting parking in neighborhoods in close proximity to McCutcheon High School have been installed. Other signs will be installed when they are delivered.

Sheriff Anderson reported he checked the neighborhoods this morning and found no problems.

***ORDINANCE 2003-34-CM: Z-2125, Mann Properties, LLP A to R1B***

Ordinance 2003-34-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

(quote)

July 17, 2003  
Ref. No.: 03-411

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

### **CERTIFICATION**

RE: **Z-2125-MANN PROPERTIES, LLP C/O TIM STEVENS (A TO R1B):**

Petitioner is requesting rezoning of a 76.63 acre tract for a proposed 244 lot single-family subdivision located at the southeast corner of CR 450 S and Concord Road, Wea 15 (SE) 22-4. CONTINUED FROM THE JUNE MEETING AT PETITIONER'S REQUEST

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 16, 2003, the Area Plan Commission of Tippecanoe County voted 3 yes - 10 no on the motion to rezone the subject real estate from A to R1 B. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at August 4, 2003 regular meeting.

Sin  
Sincerely,  
/s/James D. Hawley  
Executive Director

(unquote)

- Commissioner Shedd moved to hear and approve Ordinance 2003-34-CM, seconded by Commissioner Knochel.

Representing the petitioner, Attorney Joe Bumbleburg requested a zoning change for 76.63 acres from A to R1B located on the south side of CR 450 S and Concord Rd. In his opinion, it will be a well planned subdivision slightly less dense than Benjamin Crossing located on the north side of CR 450 S with 3.2 units per acre as opposed to 3.9. If approved, the developer will pave the entire CR 450 S roadway that runs between these two properties instead of only the north half as previously agreed to. The developer plans approximately 5 acres of open space for park area that will be maintained by the Homeowner's Association. All appropriate agencies have been involved in the process. With City of Lafayette utilities, this development meets the Phased Use Plan of the County.

Referring to the confined feeding operation (pig farm) located to the southwest of this acreage, Mr. Bumbleburg said they will use the Ben La Del solution in a covenant, a Declaration of Zoning Developments. In addition to an assurance that the developer will do what he says, the covenant will also advise the landowners that they are on the fringe of the community and are bound against enjoining or going after any agricultural enterprise for noise, dust, odor, or other characteristics that are typical lawful agricultural practices.

Commissioner Knochel asked how the run-off from the pavement will be treated. Mr. Bumbleburg responded the

drainage will be treated as required by law. They are required to have the drainage plan approved by the Drainage Board and the subdivision plan approved by Area Plan.

Attorney Luhman said he has read the Declaration of Zoning Developments that documents the representations made by the developer but wants to study it further to make sure it is enforceable. He thinks it is an added benefit for the Commissioners to have a written declaration of what the developer is going to do. In addition, he thinks it is important to inform the landowners in a covenant that a farm is located close by.

### **Public Comments**

Janice Snoeberger, 4703 S 250 E, Laf.: Mrs. Snoeberger expressed concern that this many additional houses will strain the Sheriff's and Wea Volunteer Fire Departments. She said it will be costly to the County to add police protection.

Denny McDole, 4621 S 250 E, Laf.: Mr. McDole said he is not opposed to development but thinks it should be R1. The higher density of R1B will add to the traffic congestion that is already occurring at the CR 350 S and Concord Rd. intersection and at the railroad tracks located just north of CR 350 S.

President Benson asked Area Plan Assistant Director Sallie Fahey the difference between R1 and R1B zoning. Mrs. Fahey responded that R1 requires 10,000 square feet per lot. She said you can get 3 lots per acre in R1 and approximately 3 to 4 lots per acre in R1B.

Mr. Bumbleburg thinks it is inaccurate to describe R1B as high density. He said R2 and R3 are high density. The Wea Fire Department will have the opportunity for input during the subdivision process, but he is sure the department has seen the concept of the plan. So far there has been no response from the Fire Chief. Since the area will be served by city water, there will be a fire plug which will enhance the fire department's service. Mr. Bumbleburg pointed out approximately \$30 million of assessed valuation will be an additional source of property taxes.

Mr. Bumbleburg said he will record the Subdivision's Covenant including the Declaration of Zoning Developments.

Auditor Plantenga recorded the vote:

KD Benson    Yes  
Ruth Shedd    Yes  
John Knochel    Yes

- The motion to approve Ordinance 2003-34-CM passed 3 – 0.
- Commissioner Shedd moved to approve the Declaration of Zoning Covenant subject to the County Attorney's review and approval, seconded by Commissioner Knochel; motion carried.

***ORDINANCE 2003-39-CM, Second Reading: Section Corner: Surveyor Steve Murray***

Ordinance 2003-39-CM, heard on first reading on August 4, 2003, will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to approve Ordinance 2003-39-CM on second reading, seconded by Commissioner Benson.

Mr. Murray briefly explained that I.C. 36-2-12-13 enables the County to establish an ordinance stating what is and is not allowed with the section corner and gives the County the ability to set up a process to fine and recover the cost from those who take up or destroy the section corner without observing the proper process.

Auditor Plantenga recorded the vote:

Ruth Shedd    Yes  
John Knochel    Yes  
KD Benson    Yes

- The motion to approve Ordinance 2003-39-CM on second reading passed 3 – 0.

***ORDINANCE 2003-40-CM: Establishing Precincts: Board of Election & Registration Registrar Terrie Probasco***

Attorney Luhman read Ordinance 2003-40-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mrs. Probasco explained this is the second try to get State approval of Tippecanoe County precincts since the redistricting. Approval of the ordinance is the first step in the process. She reported that, during a meeting last week with a representative from the State and Area Plan's Doug Poag, corrections to the maps eliminated 3 precincts and created 2 new precincts.

- Commissioner Shedd moved to approve Ordinance 2003-40-CM on first reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

John Knochel    Yes  
KD Benson    Yes  
Ruth Shedd    Yes

- Ordinance 2003-40-CM passed 3 – 0 on first reading.
- Commissioner Shedd moved to suspend the rules and allow a vote on second reading the same day presented, seconded by Commissioner Knochel; motion carried.

- Commissioner Shedd to approve Ordinance 2003-40-CM on second reading, seconded by Commissioner Knochel.

Auditor Plantenga recorded the vote:

KD Benson    Yes  
Ruth Shedd    Yes  
John Knochel    Yes

- The motion to approve Ordinance 2003-40-CM on second reading passed 3 – 0.

***LEASE CONFIRMATION: Health Department: Public Health Education Specialist Angie Honeywell (Refer to 3/17/2003 minutes)***

Ms Honeywell requested approval of the lease confirmation with the State Health Department for a Bioterrorism Office that will occupy 500 square feet of space in the Health Department. The term of the lease runs from August 15, 2003 through August 15, 2005.

- Commissioner Shedd moved to approve the lease confirmation with the State Health Department, seconded by Commissioner Knochel; motion carried.

***GRANT: Operation Pull Over: Sheriff's Capt. Rick Walker***

Capt. Walker asked the Commissioners' approval for the continued participation of the Sheriff's Department in Operation Pull Over, a part of the Indiana Criminal Justice Institute's Traffic Safety Program for seat belt enforcement. They expect to receive approximately \$27,000 for the grant period that runs from October 1, 2003 through September 30, 2004. He also requested the Commissioners' signatures on Letters of Support for the DUI Taskforce Indiana and Operation Pull Over.

- Commissioner Shedd moved to approve the Operation Pull Over Grant in the amount of \$27,000 and the letters of support, seconded by Commissioner Knochel; motion carried.

***AGREEMENT: Renewal of Inter-County Agreement for Adult Protective Services***

This is a renewal of an Inter-County Agreement of Prosecuting Attorneys and Family Services, Inc. to continue providing protective services for adults for the period from July 1, 2003 to June 30, 2005.

- Commissioner Shedd moved to renew the agreement with Family Services, Inc. for adult protective services, seconded by Commissioner Knochel; motion carried.

***AGREEMENT: Independent Contract for Preservation of Public Records: Recorder***

A Contract for Preservation of Public Records for the Recorder with part-time contractor Patricia E. Burns was presented for approval.

- Commissioner Shedd moved to approve the Contract for a part-time contractor for the Recorder, seconded by Commissioner Knochel; motion carried.

***FLOOD UPDATE: Emergency Management Director Steve Wettschurack***

Mr. Wettschurack reported FEMA representatives are still collecting data to determine the cost to the various agencies and entities for reimbursement purposes. The FEMA Disaster Field Office is still set up at Kokomo and they have been told that FEMA will not leave the area until all are satisfied with their settlement.. He said Tippecanoe County has surpassed the reimbursement requirement of \$2.77 per capita.

***REPORTS***

Reports from Mail & Duplicating, Tippecanoe Villa, and Veterans Services are on file in the Commissioners' Office for review.

***ADJOURNMENT***

- Upon the motion by Commissioner Shedd and the second by Commissioner Knochel; the meeting adjourned.

Robert A. Plantenga, Auditor

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

\_\_\_\_\_  
KD Benson, President

\_\_\_\_\_  
Ruth E. Shedd, Vice President

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John L. Knochel, Member

**ATTEST:**

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Robert A. Plantenga, Auditor